

ORIGINAL

100-104-182
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

2005 MAY 16 AM 9:29

S. McCarthy
S. McCarthy

EDWARD HAWTHORN,)
Petitioner,)
v.) CV 104-182
MICHELLE MARTIN, Warden, and)
THURBERT E. BAKER,)
Respondents.)

O R D E R

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Thurbert Baker is **DISMISSED** from the case; the motions to dismiss (doc. nos. 5 and 10) are **GRANTED**, this civil action is **DISMISSED** and a final judgment is **ENTERED** in favor of Respondent Martin.

SO ORDERED this 16th day of May, 2005, at Augusta, Georgia.


H. Alexander Smith, Jr.

UNITED STATES DISTRICT JUDGE

United States District Court
Southern District of Georgia

EDWARD HAWTHORN
HAWTHORN)

vs) CASE NUMBER CV104-182
MICHELLE MARIN, et al.) DIVISION AUGUSTA

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated _____, which is part of the official record of this case.

Date of Mailing: May 16, 2005

Date of Certificate same date, or _____

Scott L. Poff, Clerk

By: Garrett Burton
Deputy Clerk

Name and Address

Edward Hawthorn, at prison
Jason Charles Fisher
Price H. Carroll

Copy placed in Minutes
 Copy given to Judge
 Copy given to Magistrate